

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.53)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED SYSTEM AND METHOD FOR PROVIDING COMPOSITE VARIANCE ANALYSIS FOR NETWORK OPERATION

the specification of which (CHECK applicable BOX(ES))  
X A. ☐ is attached hereto.  
BOX(ES) → B. ☒ was filed on July 16, 2001 as U.S. Application No. 09/906,288  
→ C. ☐ was filed as PCT International Application No. PCT/ / on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)	Date first Laid-open or Published	Date Patented or Granted	Priority NOT Claimed
Number	Country	Day/MONTH/Year Filed	

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)	Status	Priority NOT Claimed
Application No. (series code/serial no.)	Day/MONTH/Year Filed	pending, abandoned, patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (703) 905-2000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or an attorney of that Firm in writing to the contrary.

USE ONLY FOR  
PILLSBURY WINTHROP



00909

(1) INVENTOR'S SIGNATURE: [Signature]

Date: 6/4/02

Name	Stephen	CARLEY
First	Middle Initial	Family Name
Residence	Boulder	Colorado
City	State/Foreign Country	Country of Citizenship
Mailing Address	5861 South Orchard Creek Circle, Boulder, CO	
(include Zip Code)	80301	

(2) INVENTOR'S SIGNATURE:

Date:

Name		
First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Mailing Address		
(include Zip Code)		

- ☐ FOR ADDITIONAL INVENTORS see attached page.  
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. P284860

(M#)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	Filing Date	Group Art Unit	Examiner	Attorney Docket No.
09/906,288	7/16/2001	2857	Wachsman, Hal D.	39685-0008
10/259,497	9/30/2002	2156	Not Yet Assigned	39685-0012
10/073,938	2/14/2002	2171	Not Yet Assigned	39685-0014
60/377,982	5/7/2002		Not Yet Assigned	39685-0020
10/190,495	7/9/2002	2152	Not Yet Assigned	39685-0024
10/318,025	12/13/2002	2151	Not Yet Assigned	39685-0027
10/315,214	12/10/2002	2156	Not Yet Assigned	39685-0028

REVOCATION AND APPOINTMENT OF NEW ATTORNEY  
AND CHANGE OF ADDRESS

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**Revocation and Appointment of New Attorney**

Applicant revokes all previous powers of attorney and appoints the following registered attorneys and agents of the law firm of Heller Ehrman White & McAuliffe to have full power to prosecute these applications and any and all continuations, divisions, reissues, and reexaminations thereof, to receive the patents, and to transact any and all business in the United States Patent and Trademark Office connected therewith:

BRIAN SIRITZKY  
PAUL BOOTH  
PATRICIA D. GRANADOS  
JOHN P. ISACSON  
RONALD J. KAMIS  
JOHNNY A. KUMAR  
MARVIN A. MOTSENBOCKER  
COLIN G. SANDERCOCK

Reg. No. 37,497  
Reg. No. 40,244  
Reg. No. 33,683  
Reg. No. 33,715  
Reg. No. 41,104  
Reg. No. 34,649  
Reg. No. 36,614  
Reg. No. 31,298

Change of Address

Please associate this application with Customer Number 26633.

Please direct all written communications to Brian Siritzky at HELLER EHRMAN  
WHITE & McAULIFFE LLP, 1666 K Street, N.W., Suite 300, Washington, D.C. 20006, and direct all  
telephone communications to (202) 912-2000.

Dated: 14 MARCH 2003

Respectfully submitted,

By: ICM

Title: SVP + General Counsel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

STATEMENT UNDER 37 CFR 3.73 (B)

Patent Owner **Cable & Wireless Internet Services, Inc.**, a corporation states that it is the assignee of the entire right, title and interest in and to the following Patent Applications Nos. **10/190,495, 10/259,497, 10/073,938, 09/906,288**, by virtue of:

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**re Application No. 10/190,495**

Filed: July 9, 2002

Entitled: SYSTEMS, METHODS AND PROTOCOLS FOR SECURING DATA IN TRANSIT OVER NETWORKS

An assignment from the inventor(s) of the patent application. The assignment was recorded in the Patent and Trademark Office at Reel 013096, Frame 0562, and a copy thereof is attached.

---

**re Application No. 10/259,497**

Filed: September 30, 2002

Entitled: CONFIGURABLE ADAPTIVE GLOBAL TRAFFIC CONTROL AND MANAGEMENT

A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: *Inventors* To: *Digital Island, Inc.*

The document was recorded in the United States Patent and Trademark Office at Reel 13353, Frame 0957, and for which a copy thereof is attached.

2. From: *Digital Island, Inc.* To: *Cable & Wireless Internet Services, Inc.* (by virtue of a Name Change)

The document was recorded in the United States Patent and Trademark Office at Reel 13353, Frame 0917, or for which a copy thereof is attached.

---

STATEMENT UNDER 37 CFR 3.73 (B)

re Application No. 10/073,938

Filed: February 14, 2002

Entitled: MANAGED OBJECT REPLICATION AND DELIVERY

A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: *Inventors* To: *Digital Island, Inc.*

The document was recorded in the United States Patent and Trademark Office at Reel 12587, Frame 0397, or for which a copy thereof is attached.

2. From: *Digital Island, Inc.* To: *Cable & Wireless Internet Services, Inc.* (by virtue of a name change).

The document was filed in the United States Patent and Trademark Office, which a copy thereof is attached.

re

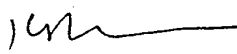
Application No. 09/906,288

Filed: July 16, 2001

Entitled: SYSTEM AND METHOD FOR PROVIDING COMPOSITE VARIANCE ANALYSIS FOR NETWORK OPERATION

An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012977, Frame 0758, or for which a copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

<u>14 MARCH 2003</u>	<u></u>
Date	Signature
<u>K.D. Wallman</u>	
Typed or Printed Name	
<u>SVP + General Counsel.</u>	
Title	



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

AUGUST 13, 2002

PTAS

PILLSBURY WINTHROP LLP  
CHRISTINE H. MCCARTHY  
INTELLECTUAL PROPERTY GROUP  
1600 TYSONS BOULEVARD  
MCLEAN, VIRGINIA 22102

Chief Information Officer  
Washington, DC 20231  
www.uspto.gov



\*102123409A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/07/2002

REEL/FRAME: 012977/0758  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CARLEY, STEPHEN

DOC DATE: 06/04/2002

ASSIGNEE:

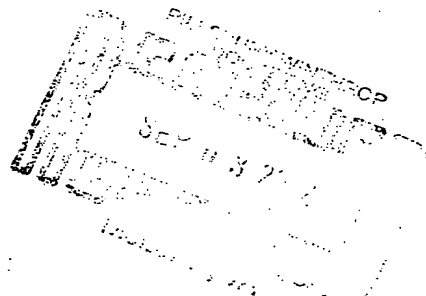
CABLE & WIRELESS INTERNET  
SERVICES, INC.  
45 FREMONT STREET, 12TH FLOOR  
SAN FRANCISCO, CALIFORNIA 94105

SERIAL NUMBER: 09906288

PATENT NUMBER:

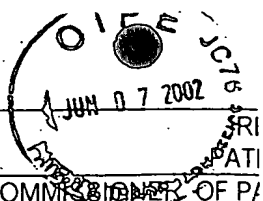
FILING DATE: 07/16/2001  
ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



06-14-2002

DO NOT USE FOR TRADEMARKS



102123409

TO THE ASSISTANT COMMISSIONER OF PATENT AND TRADEMARKS  
SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

## 1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. Stephen CARLEY

3.  
5.  
7.2.  
4.  
6.  
8.

6-7-02

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NO

## 2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: Cable &amp; Wireless Internet Services, Inc.

18494

ADDRESS: 45 Fremont Street, 12th Floor, San Francisco, CA 94105

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

## 3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)

☒ ASSIGNMENT OF ☒ WHOLE ☐ PART INTEREST  
☐ ORIGINAL ☐ FACSIMILE/PHOTOCOPY  
☐ CHANGE OF NAME ☐ VERIFIED TRANSLATION  
☐ SECURITY ☐ MERGER ☐ OTHER:

EXEC. DATE: June 4, 2002

EXECUTION DATE(S) ON THE DECLARATION IF FILED HERewith: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!) June 4, 2002

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? ☐ YES ☒ NO

A. PAT. APP. NO.(S) series code/serial no	M#	1 <sup>st</sup> INVENTOR if not in item 1	B. PATENT NO(S)	M#	1 <sup>st</sup> INVENTOR if not in item 1
09/906,288	284860				

5. Name & Address of Party to Whom Correspondence  
Concerning Document Should be Mailed:

Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102

6. NUMBER INVOLVED:

APPLNS 1 + PATS 0 = TOTAL = 1

7. AMOUNT OF FEE DUE: (Code 581)

ABOVE TOTAL x \$40 = \$40

5.5 ATTY DKT:

P 284860

8. PLEASE CHARGE TO OUR DEPOSIT ACCOUNT  
NUMBER: 03-3975

UNDER ORDER NO	18404	284860
dup. sheet not required	CLIENT NO.	MATTER NO.

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

10. Total number of pages including this  
cover sheet, attachments and document  
(do not file dup. Cover sheet)

3

Signature

Attorney: Christine H. McCarthy

Reg. No. 41844

Date: June 7, 2002

Atty/Sec: CHM/EED

TEL: (703) 905-2143

FAX: (703) 905-2500

FILE WITH PTO RETURN RECEIPT (PAT-103A)

06/13/2002 09:00:00 00000132 033975 09906288

01 FC:58 40.00 CH

Please return signed/recorded to:  
Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102

Atty. Dkt. PMS 284860  
M#

Client Ref.

**ASSIGNMENT**  
**of U.S. Origin Patent Application**

WHEREAS, the undersigned, to wit:

- |                          |          |
|--------------------------|----------|
| 1) <u>Stephen CARLEY</u> | 2) _____ |
| 3) _____                 | 4) _____ |
| 5) _____                 | 6) _____ |
| 7) _____                 | 8) _____ |

(hereinafter collectively ASSIGNOR), has/have made an invention known as Dkt. 284860

and entitled: SYSTEM AND METHOD FOR PROVIDING COMPOSITE VARIANCE ANALYSIS FOR  
NETWORK OPERATION

for which an application for Letters Patent of the United States

- ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;  
☒ was filed on July 16, 2001, Appln. No. 09/906,288;

AND WHEREAS Cable & Wireless Internet Services, Inc.

(hereinafter ASSIGNEE), duly organized and existing under the laws of the State of Delaware

45 Fremont Street, 12th Floor

and having its principal office and place of business at San Francisco, CA 94105

desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.



AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

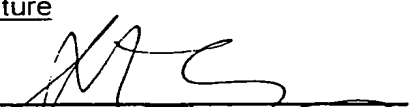
NOTE: The undersigned hereby authorizes Pillsbury Winthrop LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

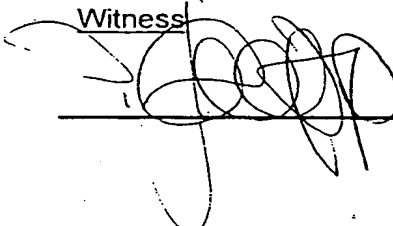
Signature

Date Signed

Witness

1)   
Name: Stephen CARLEY

6/4/02



2) \_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3) \_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_

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4) \_\_\_\_\_  
Name: \_\_\_\_\_

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5) \_\_\_\_\_  
Name: \_\_\_\_\_

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6) \_\_\_\_\_  
Name: \_\_\_\_\_

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7) \_\_\_\_\_  
Name: \_\_\_\_\_

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8) \_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_

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